

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BLUEFIELD DIVISION

CENTER FOR INDIVIDUAL FREEDOM, INC.,

Plaintiff,

v.

CIVIL ACTION NO. 1:08-cv-00190

NATALIE TENNANT, et al.,

Defendants,

WEST VIRGINIANS FOR LIFE, INC.,
and ZANE LAWHORN,

Plaintiffs,

v.

CIVIL ACTION NO. 1:08-cv-01133

NATALIE TENNANT, et al.,

Defendants.

ORDER

Pending before the Court is Defendants' Unopposed Motion to Stay Proceedings on Attorney Fees and Costs Pending Appeal [Docket 244]. Partial summary judgment was entered in this case on July 18, 2011 (Docket 233), and Defendants filed their joint notice of appeal on September 1, 2011. (Docket 242.) In the motion, Defendants argue that due to the "complexity of this case and the continuing development of the law controlling its disposition," prevailing party status may be altered by the Fourth Circuit's ruling, at least on some of the myriad issues involved. (Docket 244 at 2.) For good cause shown, Defendants' Motion to Stay Pending Appeal [Docket 244] is

GRANTED. Accordingly, Plaintiff West Virginians for Life, Inc.'s pending Motion for Fees and Expenses [Docket 236] is **DENIED WITHOUT PREJUDICE.** It is further **ORDERED** that all parties to the appeal file renewed or initial motions for fees and costs within 14 days of the entry of the Fourth Circuit's mandate resolving the appeal, if they wish to file such motions.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 14, 2011



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE